

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE SCHERING-PLOUGH  
CORPORATION / ENHANCE  
SECURITIES LITIGATION

Civil Action No. 08-397 (DMC) (JAD)

**DECLARATION OF STEPHANIE  
A. THURIN RE NOTICE  
DISSEMINATION,  
PUBLICATION AND REQUESTS  
FOR EXCLUSION**

I, Stephanie A. Thurin, declare and state as follows:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). The following statements are based on my personal knowledge and information provided by other Epiq employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

2. Epiq was retained by Co-Lead Counsel in the above-captioned litigation (the “Action”). I submit this declaration to provide the Court and the parties with information regarding the mailing of the Court-approved Notice of Pendency of Class Action (the “Notice”), publication of the Summary Notice of Pendency of Class Action (the “Summary Notice”), establishment of the website and toll-free number dedicated to this Action, and requests for exclusion received.

**DISSEMINATION OF THE NOTICE**

3. Epiq is responsible for disseminating the Notice to potential Class Members in this Action. By definition, the Class consists of all persons and entities that purchased or acquired Schering-Plough Corporation (“Schering”) common stock, 6% mandatory convertible preferred stock maturing August 13, 2010 (“Preferred Stock”), or call options, and/or sold Schering put options, during the period between January 3, 2007 through and including March

28, 2008 (the “Class Period”), and who did not sell their stock and/or options on or before December 11, 2007, and who were damaged thereby (the “Class”), subject to certain exclusions set forth in the Notice.

4. On January 3, 2013 Epiq received a CD with an excel spreadsheet from Paul, Weiss, Rifkind, Wharton & Garrison LLP with a total of 38,470 names and addresses of potential Class Members for initial noticing. Epiq extracted these names and addresses and after clean-up and de-duplication, there remained 38,007 unique names and addresses of potential Class Members.

5. Epiq loaded this data into a database created for the Action.

6. As a large majority of potential Class Members are beneficial purchasers whose securities are held in “street name”—*i.e.*, the securities are purchased by brokerage firms, banks, institutions and other third-party nominees in the name of the nominee on behalf of the beneficial purchasers, the Notice instructed those who purchased or otherwise acquired Schering common stock, Preferred Stock, or call options, and/or sold Schering put options, during the Class Period for the beneficial interest of a person or organization other than themselves to either (i) request within 7 days of receipt of the Notice additional copies of the Notice for such beneficial owners from the Notice Administrator, and forward copies of the Notice to those beneficial owners no later than 7 days after such nominees’ receipt of the additional copies of the Notice, or (ii) provide to Epiq the names and addresses of such persons no later than 7 days after such nominees’ receipt of the Notice.

7. Epiq maintains and updates an internal list of the largest and most common banks, brokers and other nominees. The list of known holders of Schering securities from Paul, Weiss, Rifkind, Wharton & Garrison LLP was supplemented by Epiq’s internal broker list containing 2,439 additional names and addresses.

8. Epiq thereafter formatted the Notice, and caused it to be printed, personalized with the name and address of each potential Class Member or nominee, posted for first-class mail, postage prepaid, and mailed the Notice to the potential Class Members and nominees on January 17, 2013 (the “Notice Date”).

9. On the Notice Date, 40,446 copies of the Notice were mailed. A copy of the Notice is attached hereto as Exhibit A.

10. Epiq has received requests from nominees for additional unaddressed copies of the Notice and for additional Notices to be mailed directly to potential Class Members identified by the nominee. From the Notice Date through March 14, 2013, Epiq mailed an additional 284,583 copies of the Notice to potential members of the Class whose names and addresses were received from individuals or nominees requesting that Notice be mailed to such persons, and mailed another 10,003 Notices to nominees who requested Notices to forward to their customers. Each of the requests was responded to in a timely manner and Epiq will continue to timely respond to any additional requests received.

11. As of March 14, 2013, an aggregate of 335,032 Notices have been disseminated to potential Class Members and nominees by first-class mail.

#### **PUBLICATION OF THE SUMMARY NOTICE**

12. The Summary Notice was published in *The Wall Street Journal* and transmitted over the *PR Newswire* on January 25, 2013. Attached as Exhibit B is a tear sheet proof of print in *The Wall Street Journal* attesting to that publication and a screen shot attesting to the *PR Newswire* transmittal.

#### **CALL CENTER SERVICES**

13. Epiq reserved a toll-free phone number for the Action, (877) 854-4458, and published that toll-free number in the Notice and on the website for the Action.

14. The toll-free number connects callers with an Interactive Voice Recording (“IVR”). The IVR provides callers with pre-recorded information, including a brief summary about the Action and the option to request a copy of the Notice. The toll-free telephone line with pre-recorded information is available 24 hours a day, 7 days a week.

15. Epiq made the IVR available on January 17, 2013, the same date Epiq mailed the Notices.

16. In addition, Monday through Friday from 6:00 a.m. to 6:00 p.m. Pacific Time (excluding official holidays), callers are able to speak to a live operator regarding the status of the Action and/or obtain answers to questions they may have about communications they receive from Epiq. During other hours, callers may leave a message for an agent to call them back.

#### **WEBSITE**

17. Epiq established and is maintaining a website dedicated to this Action ([www.ScheringVytorinSecuritiesLitigation.com](http://www.ScheringVytorinSecuritiesLitigation.com)) to provide additional information to Class

Members. Users of the website can download a copy of the Notice. The web address was set forth in the published Summary Notice and the mailed Notice. Epiq will continue operating, maintaining and, as appropriate, updating the website until the conclusion of this administration.

#### **EXCLUSION REQUESTS**

18. As set forth in the Notice, Class Members who wish to be excluded from the Class were required to request exclusion in writing by mailing their request to the P.O. Box set up and maintained by Epiq, postmarked on or before March 1, 2013. Epiq has forwarded and continues to forward true and correct copies of all exclusion requests to Co-Lead Counsel. As of March 14, 2013, Epiq has received 49 requests for exclusion, which were submitted by or on behalf of the persons and entities set forth on Exhibit C hereto. Some of the requests for exclusion received indicate that they are submitted on behalf of persons and entities who are not Class Members, some of the requests for exclusion did not provide all the information required by the Notice, and some were postmarked after the March 1, 2013 deadline.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on March 15<sup>th</sup>, 2013, at Beaverton, Oregon.



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Stephanie A. Thurin

## Exhibit A

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE SCHERING-PLOUGH  
CORPORATION / ENHANCE  
SECURITIES LITIGATION

Civil Action No. 08-397 (DMC) (JAD)

**NOTICE OF PENDENCY OF CLASS ACTION**

**To:** All persons and entities that purchased or acquired Schering-Plough Corporation (“Schering”) common stock, 6% mandatory convertible preferred stock maturing August 13, 2010 (“Preferred Stock”), or call options, and/or sold Schering put options, during the period between January 3, 2007 through and including March 28, 2008 (the “Class Period”), and who did not sell their stock and/or options on or before December 11, 2007, and who were damaged thereby (the “Class”).

*A federal court has authorized this notice. This is not a solicitation from a lawyer.*

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.  
YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT  
PENDING IN THIS COURT.**

This Notice is being sent pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of New Jersey (the “Court”) to inform you of a class action lawsuit that is now pending in the Court under the above caption (the “Action”) against Schering, Merck/Schering-Plough Pharmaceuticals (“M/S-P”), Fred Hassan, Carrie S. Cox, Robert J. Bertolini, Steven H. Koehler, Susan Ellen Wolf, the Director Defendants<sup>1</sup>, and the Underwriter Defendants<sup>2</sup> (collectively, the “Defendants”), and that the Action has been certified by the Court to proceed as a class action on behalf of the Class of certain purchasers and acquirors of Schering common stock, Preferred Stock or call options and certain sellers of Schering put options.

1. The “Class,” as certified by the Court, consists of:

All persons and entities that purchased or acquired Schering common stock, 6% mandatory convertible preferred stock maturing August 13, 2010, or call options, and/or sold Schering put options, during the period between January 3, 2007 through and including March 28, 2008, and who did not sell their stock and/or options on or before December 11, 2007, and who were damaged thereby.

Excluded from the Class by definition are:

(a) Defendants; (b) members of the immediate families of the Individual Defendants; (c) the subsidiaries and affiliates of Defendants; (d) any person or entity who was a partner, executive officer, director, or controlling person of Schering, M/S-P or Merck & Co., Inc. (“Merck”) (including any of their subsidiaries or affiliates), or any other Defendants; (e) any entity in which any Defendant has a controlling interest; (f) Defendants’ directors’ and officers’ liability insurance carriers, and any affiliates or subsidiaries thereof; and (g) the legal representatives, heirs, successors and assigns of any such excluded party.

2. This Notice is directed to you because you may be a member of the Class. If you are a member of the Class, your rights will be affected by this Action. If you do not meet the Class definition, this Notice does not apply to you. If you are uncertain whether you are a member of the Class, contact Class Counsel listed in paragraph 23 below, or your own attorney.

<sup>1</sup> The “Director Defendants” are Hans W. Becherer, Thomas J. Colligan, C. Robert Kidder, Philip Leder, M.D., Eugene R. McGrath, Carl E. Mundy, Jr., Antonio M. Perez, Patricia F. Russo, Jack L. Stahl, Kathryn C. Turner, Robert F.W. van Oordt, and Arthur F. Weinbach.

<sup>2</sup> The “Underwriter Defendants” are ABN AMRO Rothschild LLC, Banc of America Securities LLC, Banca IMI SpA, BBVA Securities Inc., Bear, Stearns & Co. Inc. (now J.P. Morgan Securities LLC), BNP Paribas Securities Corp., BNY Capital Markets, Inc., Citigroup Global Markets, Inc., Credit Suisse Securities (USA) LLC, Daiwa Capital Markets America Inc., Goldman, Sachs & Co., ING Financial Markets LLC, J.P. Morgan Securities LLC, Mizuho Securities USA Inc., Morgan Stanley & Co. LLC, Santander Investment Securities Inc., Utendahl Capital Partners, L.P., and The Williams Capital Group L.P.

3. This Notice is not an admission by Defendants or an expression of any opinion of the Court concerning the merits of the Action, or a finding by the Court that the claims asserted by Lead Plaintiffs (defined below in paragraph 8) in this case are valid. This Notice is intended solely to advise you of the pendency of the Action and of your rights in connection with it. There is no settlement or monetary recovery at this time. Defendants have denied Lead Plaintiffs' claims and contend that they are not liable for the harm alleged by Lead Plaintiffs.
4. The Class definition may be subject to change by the Court pursuant to Rule 23 of the Federal Rules of Civil Procedure.

### OVERVIEW AND STATUS OF THIS ACTION

5. Vytorin is a cholesterol-lowering medication that is a combination of two drugs – Zocor (simvastatin), developed by Merck, and Zetia (ezetimibe), developed by Schering. During the Class Period, Vytorin was marketed by M/S-P, a joint venture of Merck and Schering. Beginning in 2004, Merck and Schering undertook a clinical trial, known as the ENHANCE study, to test whether the combination of Zocor and Zetia in Vytorin was more effective than Zocor alone in preventing the progression of atherosclerosis (plaque buildup in the arteries). In January 2008, M/S-P issued a news release announcing certain top-line results of the ENHANCE study. In March 2008, the complete ENHANCE results were published in the *New England Journal of Medicine* and presented at the American College of Cardiology conference.
6. The initial complaint in this Action was filed in January 2008.
7. By Order dated March 3, 2008, the Court ordered that any related securities actions filed in, removed to or transferred to the District of New Jersey be consolidated with this Action. On March 27, 2008, a related securities action, *Kamel v. Schering-Plough Corp., et al.*, Civil Action No. 08-1000 (DMC), was consolidated with the Action for all purposes.<sup>3</sup>
8. On April 18, 2008, the Court entered an Order appointing the Arkansas Teacher Retirement System, the Public Employees' Retirement System of Mississippi, the Louisiana Municipal Police Employees' Retirement System, and the Massachusetts Pension Reserves Investment Management Board (collectively, "Lead Plaintiffs") as Lead Plaintiffs for the Action pursuant to the Private Securities Litigation Reform Act of 1995. In the same Order, the Court approved Lead Plaintiffs' selection of Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP as Co-Lead Counsel for the Class and approved Lead Plaintiffs' selection of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, PC as Liaison Counsel for the Class.
9. On September 15, 2008, Lead Plaintiffs filed their Consolidated Class Action Complaint for Violations of the Federal Securities Laws (the "Complaint"), asserting claims under Sections 10(b), 20(a) and 20A of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 promulgated thereunder, and Sections 11, 12(a), 15 of the Securities Act of 1933 (the "Securities Act"). The Complaint alleges that Schering, M/S-P, and certain of Schering's officers made false or misleading statements or omissions about the efficacy and commercial prospects of Vytorin and Zetia, including by intentionally withholding the results of the ENHANCE study. The Complaint alleges that these false statements and omissions caused the price of Schering common stock, Preferred Stock and call options to be artificially inflated and the price of Schering put options to be artificially depressed during the Class Period and that the price of Schering common stock, Preferred Stock and call options declined and the price of Schering put options increased when the truth about the ENHANCE study was disclosed. The Complaint also alleges that Cox violated federal securities laws against insider trading because Cox sold Schering common stock while in possession of material, non-public information. The Complaint further alleges that Schering, Hassan, Bertolini, Koehler, Wolf, the Director Defendants, and Underwriter Defendants are statutorily responsible for false or misleading statements made in offering documents in connection with an August 9, 2007 offering of Schering common stock and/or an August 15, 2007 offering of Schering Preferred Stock.
10. Defendants moved to dismiss the Complaint on December 10, 2008. On September 2, 2009, the Court issued an Opinion and entered an Order denying Defendants' motions to dismiss.
11. On September 17, 2009, Defendants moved for reconsideration of the Court's Opinion and Order denying Defendants' motions to dismiss. The motion for reconsideration was denied by the Court on June 21, 2010.

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<sup>3</sup> Separate securities fraud actions based on the same underlying factual allegations were also brought on behalf of purchasers of Merck securities against Merck, M/S-P, and certain of Merck's officers. These actions have been consolidated in *In re Merck & Co., Inc. Vytorin / Zetia Securities Litigation*, Civil Action No. 08-2177 (DMC)(JAD) (the "Merck Action"). The Merck Action has been certified as a class action on behalf of certain purchasers or acquirors of Merck common stock and call options and certain sellers of Merck put options and is the subject of a separate Notice of Pendency of Class Action being mailed to potential members of the class in that action.

12. Defendants answered the Complaint on November 18, 2009. Defendants have denied any violations of the securities laws and asserted affirmative defenses to Lead Plaintiffs' allegations.
13. On February 7, 2011, Lead Plaintiffs filed their motion for class certification and, on September 22, 2011, filed an amended motion for class certification. Following class certification discovery, on September 25, 2012, the Court issued an Order and an Opinion granting Lead Plaintiffs' motion certifying the Class, appointing Lead Plaintiffs as Class Representatives and appointing Lead Counsel as Class Counsel. On October 11, 2012, the Court entered an Amended Order relating to the definition of the Class (the "Class Order").
14. On March 1, 2012, Schering, M/S-P and the Individual Defendants moved for partial summary judgment contending, among other things, that the declines in Schering's common and Preferred Stock and option prices on certain dates were not caused by disclosure of the alleged fraud. The Underwriter Defendants also moved for summary judgment contending that they had conducted a reasonable investigation and thus satisfied the "due diligence" defense to liability under the Securities Act. The motions were fully briefed, and on September 25, 2012, the Court issued an Order denying both motions.
15. On October 9, 2012, Defendants filed two petitions in the United States Court of Appeals for the Third Circuit (the "Third Circuit") seeking leave to appeal the Court's rulings on class certification. On January 7, 2013, the Third Circuit denied those petitions.
16. The trial in this action has been scheduled by the Court to begin on March 4, 2013.

### YOUR RIGHTS AS A CLASS MEMBER

17. A class action is a type of lawsuit in which one or several individuals or entities prosecute claims on behalf of all members of a group of similarly-situated persons and entities to obtain monetary or other relief for the benefit of the entire group. Class actions avoid the necessity of each member of a class having to file his, her or its own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class.
18. If you purchased or acquired Schering common stock, Preferred Stock or call options and/or sold Schering put options during the period between January 3, 2007 through and including March 28, 2008, did not sell all of these stocks and/or options on or before December 11, 2007, and were damaged thereby, and you are not excluded from the Class by definition, you are a member of the Class. If you are a member of the Class, you have the right to decide whether to remain a member of the Class. ***If you choose to remain a member of the Class, you do not need to do anything at this time other than to retain your documentation reflecting your transactions in Schering common stock and Preferred Stock and options on Schering common stock as discussed below in paragraph 19.*** If you are a member of the Class and wish to be excluded from the Class, you must request exclusion in accordance with the procedure set forth in paragraph 20, below. Your decision is important for the following reasons:
  - a. **If you choose to remain a member of the Class,** you will be bound by all past, present and future orders and judgments in the Action, whether favorable or unfavorable. If any money is awarded to the Class, either through a settlement with Defendants or a judgment of the Court, you will be eligible to receive a share of that award. However, if you remain a member of the Class, you may not pursue a lawsuit on your own behalf with regard to any of the issues in this Action. Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Class if there is a settlement or judgment in the Action. Please note that if you remain a member of the Class, you will not be personally responsible for Class Counsel's attorneys' fees or costs. Class Counsel have agreed to represent the Class on a contingent fee basis, which means that they will be awarded fees and costs only if they succeed in obtaining a recovery from one or more Defendants. Any attorneys' fees for Class Counsel will be awarded by the Court from the settlement or judgment, if any, obtained on behalf of the Class. As a member of the Class you will be represented by Class Counsel. You may remain a member of the Class and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you will be responsible for those attorneys' fees and expenses and such counsel must enter an appearance on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel at the addresses set forth in paragraph 23 below on or before March 1, 2013.
  - b. **If you choose to be excluded from the Class,** you will not be bound by any judgment in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action. You will retain any right you have to individually pursue any legal rights that you may have against any Defendants with respect to the claims asserted in the Action. Please refer to paragraphs 20-22 below if you would like to be excluded from the Class.
19. Members of the Class will be eligible to participate in any recovery that might be obtained in the Action. While this

Notice is not intended to suggest any likelihood that Lead Plaintiffs or members of the Class will recover any such damages, should there be a recovery, members of the Class will be required to support their requests to participate in the distribution of any such recovery by demonstrating their membership in the Class and documenting their purchases and sales of Schering common stock, Preferred Stock and/or options on Schering common stock, and their resulting damages. **For this reason, please be sure to keep all records of your transactions in these securities.**

## HOW TO BE EXCLUDED FROM THIS CLASS

20. If you wish to be excluded from the Class, you must specifically request exclusion in accordance with the following procedures. To exclude yourself from the Class, you must send a letter by first-class mail stating that you "request exclusion from the Class in *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, Civil Action No. 08-397 (DMC) (JAD)." Your request must (i) state the name, address and telephone number of the person or entity requesting exclusion; (ii) state the number of shares of Schering common stock, Preferred Stock and call and put options on Schering common stock purchased, acquired and/or sold during the Class Period as well as the dates and prices of each such purchase, acquisition and/or sale; and (iii) be signed by the person or entity requesting exclusion or an authorized representative. You must mail your exclusion request, postmarked by no later than **March 1, 2013**, to:

*In re Schering-Plough Corporation / ENHANCE Securities Litigation*  
P.O. Box 3127  
Portland, OR 97208-3127

You cannot exclude yourself from the Class by telephone or by e-mail and a request for exclusion shall not be effective unless it contains all the information called for by this paragraph and is postmarked by the date stated above, or is otherwise accepted by the Court.

21. If your request for exclusion complies with the requirements set forth above, you will not be bound by any judgment in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action.
22. Do not request exclusion from the Class if you wish to participate in this Action as a member of the Class.

## CLASS COUNSEL

23. As a member of the Class, you will be represented by Class Counsel, who are:

Salvatore J. Graziano  
**BERNSTEIN LITOWITZ**  
**BERGER & GROSSMANN LLP**  
1285 Avenue of the Americas  
New York, NY 10019  
(800) 380- 8496

Christopher J. McDonald  
**LABATON SUCHAROW LLP**  
140 Broadway  
New York, NY 10005  
(212) 907-0700

24. As noted above, unless you elect to retain your own personal lawyer, by remaining in the Class, you will not subject yourself to any direct obligations to pay the costs of the litigation. In the event there is a recovery by the Class in this Action, all costs and expenses of the Action, including Class Counsel's attorneys' fees, will be paid from that recovery in an amount approved by the Court.

### PLEASE KEEP YOUR ADDRESS CURRENT

25. To assist the Court and the parties in maintaining accurate lists of Class members, you are requested to mail notice of any changes in your address to:

*In re Schering-Plough Corporation / ENHANCE Securities Litigation*  
P.O. Box 3127  
Portland, OR 97208-3127

26. If this Notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Administrator, Epiq Systems, Inc., at the address above or by calling 877-854-4458 and provide them with your correct address. If the Administrator does not have your correct address, you may not receive notice of important developments in this Action.

### WHERE YOU CAN FIND ADDITIONAL INFORMATION

27. This Notice gives only a summary of the lawsuit and the claims asserted by Lead Plaintiffs. For more detailed information regarding the Action, you may contact Class Counsel or visit [www.scheringvytorinsecuritieslitigation.com](http://www.scheringvytorinsecuritieslitigation.com).

PLEASE DO NOT CALL OR WRITE THE COURT.

### NOTICE TO SECURITY BROKERS AND OTHER NOMINEES

28. If, for the beneficial interest of any person or entity other than yourself, you purchased or acquired Schering common stock, Preferred Stock or call options and/or sold Schering put options during the period between January 3, 2007 through and including March 28, 2008, you must either (a) within seven (7) calendar days of receipt of this Notice, request from the Administrator sufficient copies of the Notice to forward to all such beneficial owners and within seven (7) calendar days of receipt of those Notices forward them to all such beneficial owners; or (b) within seven (7) calendar days of receipt of this Notice, provide a list of the names and addresses of all such beneficial owners to the Administrator at *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, P.O. Box 3127, Portland, OR 97208-3127 or via email to [info@scheringvytorinsecuritieslitigation.com](mailto:info@scheringvytorinsecuritieslitigation.com). If you choose the first option, you must send a statement to the Administrator confirming that the mailing was made and you must retain your mailing records for use in connection with any further notices that may be provided in the Action. If you choose the second option, the Administrator will send a copy of the Notice to the beneficial owners. Upon full compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred by providing the Administrator with proper documentation supporting the expenses for which reimbursement is sought.

Dated: January 17, 2013

BY ORDER OF THE COURT:  
United States District Court  
for the District of New Jersey

## Exhibit B

## NEW HIGHS AND LOWS

WSJ.com/newhighs

The following expectations apply to the New York Stock Exchange, NYSE Arca, NYSE MKT and Nasdaq Stock Market stock that has a new 52-week intraday high or low in the latest session.  
% CHG=daily percentage change from the previous trading session.

Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	Stock	Sym	52-Wk % Hi/Lo Chg	
<b>NYSE highs - 464</b>			Ametek	AMT	41.22 3.5	BerkHathway B	BRK/B	97.73 0.9	CBSCIA	CIA	25.10 -0.2	ChirRvrLab	CRL	43.19 0.8	CrownCastl	CCI	75.50 -1.1	EPRProp75%CPIC	EPR	22.29 0.1	
ACE	ACE	0.8	ApolloCom/REPfda	ARIPa	26.50 0.2	BirkRkrDeOpnTr	BHL	14.76 0.3	CBREclarionGib	CIES	23.39 1.0	ChathamLdgTr	CLD	15.78 0.6	CyberLnd	CYT	75.25 0.1	EPRProp0.00%CPIC	EPR	30.84 0.4	
AbbVie	ABBV	-0.52 -0.9	AquaAmer	WTR	27.20 0.6	BirkRkrEnDivTr	BDJ	7.77 0.1	CBREclarionGib	IGR	9.43 -0.2	Cheemed	CHE	74.74 0.4	DDR Corp	DDR	16.21 0.2	ESCO Tech	ESE	40.90 0.9	
Accenture	ACN	-0.7	AsburyAuto	ABG	35.49 -1.1	BirkRkrHgtnHldf	FRA	11.71 2.9	CBREclarionGib	CBS/A	21.30 1.4	Chmtr	CHM/T	24.12 0.3	DL Sys	DT	64.80 -0.2	EATC Corp	ESCI	57.48 0.9	
AECOM Tech	ACM	25.59 0.8	AshdffHsptTr	AHT	11.71 2.9	BlackstoneGp	BX	18.29 1.1	CBREclarionGib	CBS/A	43.10 0.4	ChicagoB&L	CBI	50.74 0.2	DTE Enrgy	DTE	62.98 0.3	EatonCorp,PLC	ETN	57.48 0.9	
Affirmangr	AMG	145.89 0.9	Ashland	ASH	86.96 -0.4	BlockHR	HR	21.73 2.2	CBREclarionGib	CBS/A	43.14 -0.6	Cigna	CIA	58.24 1.3	DWS Gbifd	LBF	9.27 -0.2	EntnTxAdvOpp	ET	21.91 0.1	
AgreeRty	ADR	28.88 -0.2	AsiaPacFd	APP	11.20 -0.2	BosBeer	SAM	146.27 1.1	CBREclarionGib	CFT	22.07 0.4	CitigrpCapXIIp	CFT	28.98 0.5	DWS Muni	DHR	61.14 0.1	EatVnctExEqy	ETY	9.97 -0.1	
Agrim	AGU	115.7 2.6	Asmco Hldg	AHS	33.73 0.7	BosSci	BSX	6.93 -0.3	CBREclarionGib	CMS	25.47 0.4	Citwater Pap	CLW	46.02 1.3	Danaher	DHR	62.98 0.3	EmersnElec	EMR	57.90 0.7	
AlaskaAir	ALK	47.4 -0.4	Atmrazen	AZN	49.60 1.1	BoulderGro	BIF	6.98 0.4	CBREclarionGib	CVI	54.75 0.3	Clorox	CLX	77.78 0.1	Deere	DE	93.70 0.5	EmployersHldg	EIG	21.72 0.4	
Allergan	AGN	107.4% -0.7	AtmrdOcn	ATW	53.25 1.0	BouldrTotR	BTF	19.59 0.1	CBREclarionGib	CVS	52.73 -1.0	ChnStrOppFd	FOF	13.41 0.1	DelekLogisticsPtrs	DKL	25.90 -0.9	EmpICA ADS	ICA	11.90 1.3	
Allite	ALE	44.48 0.6	Bkr Ad	BFRS	22.71 ...	BonhagRnRly	BDN	13.17 ...	CBREclarionGib	CYB	19.80 0.7	Colfax	CFX	42.73 3.7	DelekUS Hdgs	DK	32.48 1.2	Enersys	ENS	41.48 1.2	
AmBev ADS	ABV	45.62 0.0	Badgerftr	BMT	50.79 2.1	BriggsStrat	BGG	23.29 10.2	CBREclarionGib	COG	53.62 1.2	ColonyFincal	CLNY	21.90 -0.4	DeltaAir	DAL	14.17 1.1	EnPro	NPQ	44.83 1.0	
AmBev ADS C	ABV/C	45.08 1.0	Blade	BLX	23.23 0.4	Bristow	BRS	56.75 -0.2	CBREclarionGib	CML	16.81 -0.5	ComrclMts	CMC	72.47 1.2	Equifax	EFX	59.30 1.5	ForestCityB	FCE	17.23 -0.1	
Amdocs	DOV	35.63 0.6	BookKmpfM	BACp	121.22 -0.6	BrookdaleLyn	BKD	27.79 -0.6	CBREclarionGib	CNT	19.63 0.8	ComtlyHlth	CYH	38.60 0.9	DeluxCp	DIX	36.77 7.8	EquityOne	EQY	22.49 ...	
AmEqutlyf	AEL	13.65 0.3	Berkf	BSN	BDX	84.38 0.2	BrookfieldGp	BIN	21.54 -1.1	CBREclarionGib	CAM	60.51 -0.6	ConAgraFoods	CAG	32.47 1.8	DeutsBkTrups	DTK	27.99 -0.1	EraGroupInc,Wi	ERAW	19.50 1.3
AmFnl	AFG	42.68 0.2	Beden	BDC	48.76 1.0	Brunswick	BC	36.37 7.3	CBREclarionGib	CPI	11.25 0.8	Cooper	COO	101.43 1.1	DmndOffsh	DO	74.86 -0.3	EvercorePhrs	EVR	35.04 1.0	
AmericanPowerREIT	AMT	79.98 0.8	Berkley	WRB	42.04 0.5	Bunge	BG	78.72 0.9	CBREclarionGib	CX	10.87 2.4	Coventry	CWV	46.41 1.0	DrlQuip	DRQ	83.37 0.1	FibraCelus	FBR	13.28 0.7	
AmeripsFnd	AMP	67.31 0.7	BerkhagW A	EW/A	147.20 0.5	BurgerKing	BKW	18.46 -0.4	CBREclarionGib	CEE	35.85 0.8	Covidien	COV	61.69 1.2	EPL Oil&Gas	EPL	25.06 -0.5	Fltth PacificCos.	FNP	15.64 -0.5	

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## BANKRUPTCIES

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORKIn re Ampal-American : Chapter 11  
Israel Corporation : Case No. 12-13689 (SMB)

Debtor : ...

NOTICE OF DEADLINE FOR FILING  
OF PROOFS OF CLAIMTO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST  
AMPALE-AMERICAN ISRAEL CORPORATION:

PLEASE TAKE NOTICE THAT on January 22, 2013, the United States Bankruptcy Court for the Southern District of New York ("the Bankruptcy Court"), having jurisdiction over the above-captioned chapter 11 case of Ampal-American Israel Corporation ("Ampal" or the "Debtor") entered an order (the "Bar Date Order") establishing a **Bar Date** on **March 4, 2013** at **5:00 p.m.** (Eastern Standard Time) as the deadline by which each person or entity (including individuals, partnerships, corporations, joint ventures and trusts) including claims arising under section 503(b)(9) of the Bankruptcy Code for goods delivered and received by the Debtor during the 20 days prior to the Petition Date (as defined below) or received by the Debtor during the period from the Bar Date to the Bar Date Order (the "Period of Time") may file a Proof of Claim ("Proof of Claim") against the Debtor. All Proofs of Claim must be filed on or before the Bar Date. All Proofs of Claim must be filed on or before the Bar Date Order (the "Bar Date") and must be filed on or before the Bar Date Order (the "Bar Date Order") established by the Bar Date Order (the "Bar Date Order") as the deadline by which each person or entity (including individuals, partnerships, corporations, joint ventures and trusts) including claims arising under section 503(b)(9) of the Bankruptcy Code for goods delivered and received by the Debtor during the 20 days prior to the Petition Date (as defined below) or received by the Debtor during the period from the Bar Date to the Bar Date Order (the "Period of Time") may file a Proof of Claim ("Proof of Claim") against the Debtor. All Proofs of Claim must be filed on or before the Bar Date. All Proofs of Claim must be filed on or before the Bar Date Order (the "Bar Date Order") established by the Bar Date Order (the "Bar Date Order") as the deadline by which each person or entity (including individuals, partnerships, corporations, joint ventures and trusts) including claims arising under section 503(b)(9) of the Bankruptcy Code for goods delivered and received by the Debtor during the 20 days prior to the Petition Date (as defined below) or received by the Debtor during the period from the Bar Date to the Bar Date Order (the "Period of Time") may file a Proof of Claim ("Proof of Claim") against the Debtor. All Proofs of Claim must be filed on or before the Bar Date. 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## The law firms of Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP announce pendency of class action in In re Schering-Plough Corporation / ENHANCE Securities Litigation



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NEW YORK, Jan. 25, 2013 /PRNewswire/ --

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**IN RE SCHERING-PLough CORPORATION /  
ENHANCE SECURITIES LITIGATION**

Civil Action No. 08-397 (DMC) (JAD)

### SUMMARY NOTICE OF PENDENCY OF CLASS ACTION

**To:** All persons and entities that purchased or acquired Schering-Plough Corporation ("Schering") common stock, 6% mandatory convertible preferred stock maturing August 13, 2010 ("Preferred Stock"), or call options, and/or sold Schering put options, during the period between January 3, 2007 through and including March 28, 2008, and who did not sell their stock and/or options on or before December 11, 2007, and who were damaged thereby (the "Class").

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of New Jersey, that the above-captioned action (the "Action") has been certified as a class action.

IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS WILL BE AFFECTED BY THIS ACTION. A full printed Notice of Pendency of Class Action is currently being mailed to known Class Members. If you have not yet received a full printed Notice, you may obtain copies of this document by downloading it from [www.scheringvtyorinsecuritieslitigation.com](http://www.scheringvtyorinsecuritieslitigation.com) or by contacting the Notice Administrator:

*In re Schering-Plough Corporation / ENHANCE Securities Litigation*  
P.O. Box 3127  
Portland, OR 97208-3127  
(877) 854-4458

If you did not receive the Notice by mail, and you are and decide to remain a member of the Class, please send your name and address to the Notice Administrator so that if any further notices are disseminated in connection with the Action, you will receive them.

Inquiries, other than requests for the Notice, may be made to Class Counsel:

Salvatore J. Graziano  
**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN LLP**  
1285 Avenue of the Americas  
New York, NY 10019  
(800) 380-8496

Christopher J. McDonald  
**LABATON SUCHAROW LLP**  
140 Broadway  
New York, NY 10005  
(212) 907-0700

If you are a Class Member, you have the right to decide whether to remain a member of the Class. **If you choose to remain a member of the Class, you do not need to do anything at this time other than to retain your documentation reflecting your transactions and holdings in Schering common stock, Preferred Stock, and options during the period from January 3, 2007 through and including March 28, 2008.** You will automatically be included in the Class. If you are a Class Member and do not exclude yourself from the Class, you will be bound by the proceedings in the Action, including all past, present and future orders and judgments of the Court, whether favorable or unfavorable.

If you ask to be excluded from the Class, you will not be bound by any judgment in the Action, and you will not be eligible to receive a share of any money which might be recovered for the benefit of the Class. To exclude yourself from the Class, you must submit a written request for exclusion postmarked no later than March 1, 2013 in accordance with the instructions set forth in the full printed Notice. Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Class if there is a settlement or judgment in the Action. The trial in the Action has been scheduled by the Court to begin on March 4, 2013.

Further information may be obtained by directing your inquiry in writing to the Notice Administrator.

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

SOURCE United States District Court for the District of New Jersey

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## Exhibit C

**Exhibit C**

***In re Schering-Plough Corporation / ENHANCE Securities Litigation,  
Civil Action No. 08-397 (DMC)(JAD)***

**Requests for exclusion received as of March 14, 2013**

1. Wanda L. Sigler  
Jacksonville, AR
2. Helen E. Kascin  
Mountainside, NJ
3. John H. Duesbury  
Platteville, WI
4. Evelyn M. Duesbury  
Platteville, WI
5. Maurice Ledrappier  
Chatham, NJ
6. Melinda G. Axel  
c/o Paul Axel-Lute,  
submitted by Paul Axel-Lute  
South Orange, NJ
7. Paul Axel Lute ADM EST  
Melinda G. Axel,  
submitted by Paul Axel-Lute  
South Orange, NJ
8. Louis B. Shader,  
Sigrid Shader and  
Evan Shader Gilliam  
Orlando, FL
9. Louella Hill  
Falmouth, KY
10. Frank J. Corradi, Jr.  
Point Pleasant Beach, NJ
11. Florence L. Vail  
Effingham, IL
12. David Cesarz  
Scotch Plains, NJ
13. Estate of Marjorie Crosby  
by Dorothy M. Fischesser, Executor  
Gardner, MA
14. Hollis P. Behannon  
Jasper, TX
15. Richard W. Stout  
Bristol, IN
16. Estate of Stanley V. Hucko,  
by Joyce A. Mauer, Executrix  
Allentown, NJ
17. Adele D. Kaminski  
Bloomfield, NJ
18. Wayne A. Viner  
Lakeland, FL
19. Jan Nemec  
Unterschleissheim, Germany
20. Lori K. Walswick  
Vancouver, WA
21. Andrew Sylwestrowicz  
Merrillville, IN
22. Faye Gwendolyn Knutson  
and Estate of Alger Knutson  
Clark, SD
23. Lidyann T. Spinola  
Kettering, OH

- 24. Gary Chilton  
Rockwall, TX
- 25. Hsien-Lin Su  
Brookline, MA
- 26. Betsy G. Mabry  
Anniston, AL
- 27. Phyllis D. Haynes  
San Marcos, TX
- 28. Ellen R. Cline  
Silver City, NM
- 29. Barbara R. Cohen  
Pikesville, MD
- 30. Marcus D. Royal  
Decatur, GA
- 31. Victor G. Hart  
Stuart, FL
- 32. Kathleen Bockhold  
Germantown, TN
- 33. Estate of Caroline Manfred,  
by Elaine Lederman, Executor  
Paramus, NJ
- 34. Sandra M. Dewyer  
Bowling Green, OH
- 35. United Food Commercial Workers Local  
1500 Pension Fund  
Westbury, NY
- 36. Thomas J. Pitner  
Hays, KS
- 37. Vernon L. Watkins and  
Billie Don Watkins Jt Ten  
Amarillo, TX
- 38. Estate of Helen J. Marotta,  
by Ronald M. Marotta, Executor  
Cranford, NJ
- 39. Ronald D. Marotta,  
by Ronald M. Marotta, Attorney-in-Fact  
Cranford, NJ
- 40. Estate of Albert Greenleaf Hutchins III,  
by Linda Hutchins, Executor  
Fairfax, VA
- 41. Government of Singapore Investment  
Corporation Pte Ltd.  
Singapore
- 42. General Board of Pension and Health  
Benefits of The United Methodist  
Church  
Glenview, IL
- 43. North Sound Capital LLC,  
North Sound Legacy International, and  
North Sound Legacy Institutional  
Greenwich, CT

**44.** Colonial First State Investments Ltd.,  
CFSIL- CFS Wholesale Indexed Global  
Share Fund,  
Commonwealth Bank Officers  
Superannuation Corporation as Trustee  
Fund Officers Superannuation Fund -  
WGSS04,  
CFSIL - Commonwealth Global Shares  
Fund 4,  
Commonwealth Bank Officers  
Superannuation Corporation as Trustee  
Fund Officers Superannuation Fund -  
WGSS02,  
Commonwealth Bank Officers  
Superannuation Corporation as Trustee  
Fund Officers Superannuation Fund -  
WTRA02,  
CFSIL - Commonwealth Specialist Fund  
13,  
CFSIL- CFS Wholesale Geared Global  
Share Fund,  
CFSIL ATF CMLA International Share  
Fund,  
CFSIL - Commonwealth Global Shares  
Fund 6,  
CFSIL- Commonwealth Global Shares  
Fund 2,  
CFSIL - CFS Wholesale Acadian Global  
Equity Fund,  
CFSIL- CFS Wholesale Global Health &  
Biotechnology Fund, and  
CFSIL - CFS Wholesale Global Share  
Fund  
Sydney, NSW  
Australia

**45.** Monica Ioana Botocan  
Bucarest, Romania

**46.** Fouad Chatila  
Louisville, KY

**47.** Ingegerd M. Carlson  
Camano Island, WA

**48.** Frank Boscarello  
Oceanside, NY

**49.** Elizabeth W. Gallimore  
Waynesboro, VA

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